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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,016	09/22/2006	Johan Pragt	NL040321US1	7303
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EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
03/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,016

Applicant(s)

PRAGT ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 15, 2009 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least two pairs of cooperating cutting members as set forth in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

3. The abstract of the disclosure is objected to because in line 2, "another other" is improper and "other" should be deleted. Correction is required. See MPEP § 608.01(b).

Specification

4. The disclosure is objected to because of the following informalities:

On page 4, line 14, "3a, b" appears to be inaccurate and should read --3b--; also in line 14, "12" appears to be inaccurate and should read --11--; in line 20, "7" appears to be inaccurate and should read --8--, and "14" appears to be inaccurate and should read --12--.

On page 5, line 34, "4" should read --4, 6-- for clarity and accuracy.

Appropriate correction is required.

Claim Objections

5. Claims 3-4 are objected to because of the following informalities:

In claim 3, lines 2-3, the recitation "wherein each edge ... are provided with cutting edges" is improper, and it seems that "are provided with cutting edges" should read --is provided with said cutting edge-- or the like.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 1st paragraph

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 9, 11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure does not appear to provide support for a shaving apparatus comprising at least two pairs of cooperating cutting members as set forth in claim 9. While such an embodiment is briefly discussed in the last paragraph of the specification (i.e., the paragraph bridging pages 5-6 of the specification), the disclosure is insufficient to enable such an embodiment.

Claim Rejections - 35 USC § 112, 2nd paragraph

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-5, 9, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 2-3, the recitation "a row of substantially V-shaped cutting teeth" is vague and indefinite as to whether it refers to the teeth set forth in claim 1 or to other such teeth.

In claim 3, line 3, "cutting edges" is vague as to whether it refers to the cutting edges previously set forth or to other such cutting edges.

In claim 4, line 3, "the tooth" is vague as to which one; also in line 3, "the cutting edge" is vague as to which one.

In claim 5, line 2, the first occurrence of "edges" is vague as to whether it refers to one of the cutting edges previously set forth or to another such cutting edge; also in line 2, the recitation "edges of the edges" is vague and indefinite as to what is being set forth.

In claim 9, lines 14-15, the recitation "are obliquely arranged relative to the skin surface during operation" renders the claim vague and indefinite since the invention is being positively claimed with respect to the workpiece (i.e., the skin surface) which is not part of the claimed invention.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gur Arye, pn 2,281,434.

Regarding claim 1 and the claims dependent therefrom, Gur Arye discloses an apparatus with every structural limitation of the claimed invention including:

two cooperating cutting members (e.g., 90, 92) that are movable relative to each other and that are each provided with cutting teeth (e.g., 150, 190) of the apparatus wherein edges of the cutting teeth cooperate and wherein a cutting opening is present between the cooperating edges of the cutting teeth for catching hairs, said cutting opening diverging when seen in a shaving direction of the apparatus, wherein a space remains between at least a portion of the cooperating edges such that the cutting openings are not entirely closed during any time of operation of the shaving apparatus (e.g., as described on page 8, left column, lines 13-21, and as illustrated in Fig. 12);

[claim 2] wherein each cutting member comprises a row of substantially V-shaped cutting teeth (e.g., 150, 190), wherein each pair of cooperating edges enclose a shearing angle, while at least one of the edges of each pair of cooperating edges is provided with a cutting edge;

[claim 3 (from 2)] wherein each edge of each pair of the cooperating edges are provided with cutting edges in the region where the cutting opening is closed during operation;

[claim 4 (from 3)] wherein one of the cooperating tooth edges in a zone between a tip of the tooth and the cutting edge forms an abutment for a hair caught in the cutting opening;

[claim 5 (from 2)] wherein edges of the cooperating edges are provided with cutting edges over an entire length of the cutting teeth;

[claim 10] wherein the cutting teeth of each of the cooperating cutting members are substantially a same length;

[claim 12] wherein when viewed from a direction perpendicular to a direction that the cutting teeth (e.g., 150, 190) extend and in a direction that hairs extend during cutting, each one of the cooperating cutting teeth are not completely overlapped by an other one of the cooperating cutting teeth during any time of operation of the shaving apparatus and do not completely overlap the other one of the cooperating cutting teeth during any time of operation of the shaving apparatus.

Regarding claim 9 and the claims dependent therefrom, Gur Arye discloses an apparatus with every structural limitation of the claimed invention including:

at least two pairs of cooperating cutting members (e.g., the upper left and lower right portions of 90, 92 as viewed in Fig. 20) that are movable relative to each other and that are each provided with cutting teeth (e.g., 150, 190) wherein edges of each pair of cooperating cutting teeth cooperate and wherein a cutting opening is present between

the edges of each pair of cooperating cutting teeth for catching hairs, said cutting openings diverging when seen in the shaving direction and not being entirely closed during any time of operation of the shaving apparatus (e.g., as described on page 8, left column, lines 13-21, and as illustrated in Fig. 12), wherein the two pairs are successively arranged when seen in the shaving direction, and wherein the diverging cutting openings between cooperating edges of cutting teeth of at least the pair of cooperating cutting members, that is arranged in front when seen in the shaving direction, are obliquely arranged relative to the skin surface during operation;

[claim 11] wherein the cutting teeth (e.g., 150, 190) of each of the cooperating cutting members are substantially a same length;

[claim 13] wherein when viewed from a direction perpendicular to a direction that the cutting teeth (e.g., 150, 190) extend and in a direction that hairs extend during cutting, each one of the cooperating cutting teeth are not completely overlapped by an other one of the cooperating cutting teeth during any time of operation of the shaving apparatus and do not completely overlap the other one of the cooperating cutting teeth during any time of operation of the shaving apparatus.

Claim Rejections - 35 USC § 102/103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gur Arye, pn 2,281,434.

Gur Arye discloses an apparatus with every structural limitation of the claimed invention including:

[claim 6 (from 2)] wherein the shearing angle between the cooperating tooth edges is between 5° and 25°.

In the alternative, if it is argued that Gur Arye does not explicitly disclose the claimed shearing angle range, to provide the shearing angle of Gur Arye with such a range would have been the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

Claim Rejections - 35 USC § 103

14. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gur Arye, pn 2,281,434.

Gur Arye discloses an apparatus with almost every structural limitation of the claimed invention but lacks the specific stroke length (S) and frequency (Q) as follows:

[claim 7 (from 2)] wherein the cutting members perform a reciprocating motion with a stroke S relative to one another, wherein S is in a range for which it holds that $0.01 \text{ nm} < S < \text{to about } 0.15 \text{ mm}$, with a frequency Q that is greater than 100 Hz;

[claim 8 (from 7)] wherein the stroke S is between 0.05 mm and 0.i mm and the frequency Q is between 150 Hz and 400 Hz.

However, it would have been obvious to one having ordinary skill in the art to modify Gur Arye such that it is of a size and configuration that would fall within the claimed stroke characteristics to gain various well known benefits including performing cutting operations on the desired scale of workpiece and/or attaining desired cutting characteristics therefor.

Response to Arguments

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sablatschan et al., which has not been applied, is discussed along with Gar Arye by applicant in the specification.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cf
March 10, 2009